

Art Unit: 1654
Examiner: CHISM, B.
Washington, D.C.
Atty.'s Docket: PLOUG=1
Date: March 1, 2004

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202
Sir:



Transmitted herewith is an [] Amendment [XX] Election with Traverse in the above-identified application.
 [] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
 [] Small entity status of this application under 37 CFR 1.9 and 1.27 has been previously asserted.
 [] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
 [] No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)	(Col. 3)	Small Entity			Other Than a Small Entity			
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Additional Fee		Rate	Additional Fee
Total		Minus		0		x 9	\$		x18	\$
Indep.		Minus		0		x43	\$		x86	\$
First Presentation of Multiple Dependent Claim						145	\$		+290	\$
TOTAL ADDITIONAL CLAIMS FEE							\$		Total	\$

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col.1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petition.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[]	First	-	\$ 55.00
[]	Second	-	\$ 210.00
[]	Third	-	\$ 475.00
[]	Fourth	-	\$ 740.00
[]	Fifth	-	\$1005.00

Other Than Small Entity

Response Filed Within

[]	First	-	\$ 110.00
[]	Second	-	\$ 420.00
[]	Third	-	\$ 950.00
[XX]	Fourth	-	\$1480.00
[]	Fifth	-	\$2010.00

[] Less fees (\$) already paid for months extension of time on

[] Please charge my Deposit Account No. 02-4035 in the amount of \$_____. A duplicate copy of this sheet is attached.

[] A check in the amount of \$ is attached (check no.).

[XX] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$1480.00 is attached.

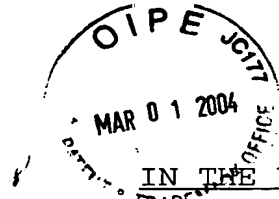
[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

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By :

IVER P. COOPER
Registration No. 28,005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit: 1654
)	
PLOUG, et al.)	Examiner: CHISM, B.
)	
Serial No.: 09/743,329)	Washington, D.C.
)	
Filed: December 26, 2001)	March 1, 2004
)	
For: PEPTIDE ANTAGONISTS OF)	Docket No.: PLOUG=1
THE HUMAN UROKINASE)	
RECEPTOR AND METHOD...)	Confirmation No.: 9896

ELECTION WITH TRAVERSE

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Arlington, Virginia 22202

S i r :

In response to the restriction requirement mailed October 1, 2003, Applicants elect group I (claims 59-65) with traverse. In response to the species restriction, Applicants elect the peptide DChaFsrYLWS (mentioned in claim 62) with traverse, where "Cha" denote β -cyclohexyl-L-alanine, capital letters designate L-amino acids, and lower case letters denote D-amino acids.

The Examiner concedes that the groups nominally share the special technical feature of the peptide of the claimed formula I, but contends that there is no commonly shared core between the peptides, and hence no true unifying technical feature.

If the Examiner is correct, then the species restriction would be proper, but the group restriction still would not be. That is because, for the elected species DChaFsrYLWS, there would be a common special technical feature (that peptide) unifying the peptide claim of group I, and the methods of use of groups II and III as applied to that peptide.

We also disagree with the assumption that there is no common core structure. By virtue of formula I, the peptide of claim 59 must be at least a 9-mer, and it must have, at a position which is at certain minimum distances from the N- and C-termini, an amino acid corresponding to X^2 . X^2 , in turn, must satisfy general formula IIa and/or general formula IIb. Both IIa and IIb

include an R1 function, which is a 5, 6 or 7-membered nonaromatic rings, attached directly or through 1-3 carbons to the alpha carbon but not to the peptide bond nitrogen. It follows that X² is not any of the naturally occurring amino acids, as it cannot then be His, Phe, Trp, Tyr or Pro. Preferred X² amino acids include β -cyclopentyl-L-alanine, β -cyclohexyl-L-alanine, and β -cycloheptyl-L-alanine, see P11, L10-12. In the elected peptide species, X² is Cha, i.e., β -cyclohexyl-L-alanine. Likewise, the peptide must have amino acids corresponding to X³ and X⁸ which are hydrophobic, and an amino acid corresponding to X⁴ which satisfies general formula IIIa and/or general formula IIIb. the limitation on X², X³, X⁴ and X⁸ define a common core, and there has been no prima facie showing that a peptide satisfying the common core of the claimed peptides is known in the art.

Moreover, even if such a showing were made for claim 59, the examiner would need to likewise address the subgeneric claims 60 and 61.

Respectfully submitted,

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